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**Town of Vernon
Inland Wetlands Commission (IWC)**

Tuesday, May 23, 2017, 7:00 p.m.
Council Chambers, 3rd Floor
Vernon Memorial Building
14 Park Place
Rockville/Vernon, CT

MINUTES

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TOWN CLERK
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1. Call to Order and Roll Call

Chairperson Lynda Morhardt called the meeting to order at 7:05 p.m. Commissioners in attendance were Frank Galat, Ronald Kane, and Robert Lewis. Staff members present were Marina Rodriguez, Town Planner; Craig Perry, Town Wetlands Agent; David Smith, Town Engineer; and Martin Burke, Assistant Town Attorney.

2. Administrative Actions

2.1 Communications received not related to Agenda Items

Memo dated May 17, 2017, from Solitude Lake Management regarding Aquatic Pesticide Permit Application(s).
Handouts regarding enforcement and wetland agent report.

2.2 Acceptance of Minutes

Town Planner requested modifications to 3.1, second paragraph, and 5.1.1, *Motion*, to read, respectfully, as follows:

3.1 Attorney Leonard Jacobs appeared representing the applicant requesting an extension to the opening of the public hearing to the IWC May 23, 2017, meeting. At that time, the applicant request that two separate applications be heard: first the redesignation followed by the wetlands permit. Discussion took place. Written request was received by the Commission for withdrawal of that portion of the Application **[IWC-2017-01]** for the wetland redesignation.

5.1.1 *Chairperson Morhardt made a motion seconded by Mr. Galat to reschedule the public hearing for Application **[IWC-2017-01]** and to schedule the public hearing for **[IWC-2017-02]** both for May 23, 2017. Motion carried unanimously.*

Mr. Lewis made a motion seconded by Mr. Kane to accept the April 25, 2017, minutes with modifications. Motion carried unanimously.

- 2.3 Call for filing(s) of Intervener petition(s) and determination of status
None

3. Public Hearing/Action

- 3.1 Application **[IWC-2017-02]** of Hyde Park LLC for a Modification to a Wetlands Redesignation at #14 Hyde Ave. (Assessor's ID: Map #46, Block #0071, Lot/Parcel #00019).

Town Planner read into the record the Public Notice published May 13, 2017, and May 20, 2017, in the *Journal Inquirer*. Notice was also sent to the abutters on May 8, 2017.

Town Planner also noted for the record the staff comments and reviews received by the Commission for this application: Wetland Enforcement Officer dated March 17, 2017, reissued May 8, 2017; Town Planner dated April 6, 2017, reissued April 25, 2017; Town Engineer dated April 18, 2017, reissued May 8, 2017; North Central Conservation District dated April 18, 2017, reissued May 8, 2017; and the Conservation Commission dated May 18, 2017. Applicant will receive copies of each.

Attorney Leonard Jacobs appeared representing the Applicant and introduced Richard Hayes, Applicant; Attorney Tim Furey, co-council; and George Logan, REMA Soil Scientist/Certified Senior Ecologist. Attorney Jacobs introduced and explained the application and the property. Mr. Logan discussed the wetland delineation that he conducted in April 2015, and again in the fall of 2016. Mr. Logan referenced the area map, which is in the record, and discussed soil types, test holes, watercourse, wetland impacts, and he also referenced photos from his report. CT Wetland Statutes and Regulations were discussed. Sketch maps were distributed to the Commission.

Chairperson Morhardt made a motion seconded by Mr. Galat to have a five-minute recess. Motion passed unanimously.

Recess was called at 7:40 p.m. for public, staff, and Commission to study the map. Meeting reconvened at 7:49 p.m.

Mr. Logan appeared again and explained the recent delineation and discussed test holes and photos of soil. Discussion took place regarding CT regulations, DEEP, Army Corp of Engineers, past farming activity on the land, boundaries, and jurisdiction. Commission requested watercourses be added to map.

Richard Hayes appeared to discuss timing of application and extension. Further discussion took place.

Town Wetlands Agent opined that he had no concerns for the redesignation.

Chairperson Morhardt opened meeting to public comments regarding the redesignation.

Mr. Ross Person of 16 Niederwerfor Road appeared and asked for clarification on wetland review letter and had questions regarding DEEP's designation. He also asked that before the Commission voted on the Application the wetlands and land crossings be designated with watercourses.

Chairperson Morhardt made a motion that the public hearing be continued in order to give Applicant opportunity to resubmit the maps with information needed. Motion was not carried.

Discussion was held regarding scheduling a special meeting. Chairperson Morhardt called a recess at 8:53 p.m. Meeting reconvened at 9:00 p.m.

Mr. Hayes addressed the Commission. Discussion took place.

*Chairperson Morhardt made a motion seconded by Mr. Galat to continue the public hearing for Application **[IWC-2017-02]** for the redesignation modification to allow applicant time to complete the waterways and wetlands map shown at this meeting until a Special Meeting on June 8, 2017, at 7:00 p.m. in Council Chambers. Motion carried unanimously.*

- 3.2 Application **[IWC-2017-01]** of Hyde Park LLC for a Modification to a Wetlands Redesignation and a Wetlands Permit to conduct activities in a wetlands area for the construction of a multi-family and commercial development at #14 Hyde Ave. (Assessor's ID: Map #46, Block #0071, Lot/Parcel #00019).

Discussion took place regarding revoking the special meeting, new application, transfer of paperwork, and withdrawal of application.

Attorney Furey submitted a request in writing from Hyde Park LLC, signed by Richard Hayes, Jr., Member, to withdraw Application **[IWC-2017-01]**. Applicant also requested to withdraw motion for special meeting.

4. Status of Cease & Correct Orders

Copy of certified Cease and Correct Order dated May 18, 2017, received in the package regarding 97 Dobson Road. Town Wetlands Agent discussed the activity on the property.

Chairperson Morhardt made a motion seconded by Mr. Lewis to Leave in Place and review at the June 27, 2017, meeting based on whether or not the certified acknowledgement is returned. Motion carried unanimously.

5. Discussion/Action and Additional Business

5.1 Receipt of Application and Determination of Significance
None

5.2 Wetlands Enforcement Officer – Report
None

5.3 Inland Wetlands Agent – Report

Two certified letters for Inland/Wetland Agent approvals issued:

John Williams and Jo-Anne Rankin re: 129 Grier Road
Hafiza Naheed re: 25 Terrace Drive

6. Adjournment

Chairperson Morhardt made a motion seconded by Mr. Galat to adjourn at 9:46 p.m. Motion carried unanimously.

Respectfully Submitted
Susan Hewett
Recording Secretary